

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

LINDSEY KENT SPRINGER,

Plaintiff,

vs.

Case No. 15-CV-142-JED-FHM

**UNITED STATES ATTORNEY FOR THE
NORTHERN DISTRICT OF OKLAHOMA,**

Danny C. Williams, Sr., Officially;

UNITED STATES DEP'T OF JUSTICE,

Eric D. Holder, Jr., Officially;

EXECUTIVE OFFICE OF UNITED STATES

ATTORNEYS, Susan B. Gerson, Officially;

OFFICE OF INFORMATION POLICY,

Sean R. O'Neill, Officially;

DIVISION COUNSEL FOR FOIA AND

PA MATTERS, Carmen M. Banerjee, Officially,

Defendants.

ORDER

On March 16, 2015, Plaintiff, a federal prisoner appearing *pro se*, filed a civil complaint (Doc. 1-1), a motion to proceed *in forma pauperis* (Doc. 1), and a “motion for order waiving procedural filing fees and other fees and costs” (Doc. 1-3), in the United States District Court for the Western District of Texas. By Order filed March 20, 2015 (Doc. 2), the case was transferred to this judicial district. Plaintiff is in custody at FSL La Tuna, located in Anthony, New Mexico, serving sentences entered in N.D. Okla. Case No. 09-CR-043-SPF. By Order filed March 30, 2015 (Doc. 5), the Court granted Plaintiff’s motion to proceed *in forma pauperis* and directed him to pay an initial partial filing fee. The Court also directed Plaintiff to submit additional service documents. The record reflects that, on May 4, 2015, the Clerk received additional service documents. On May 6, 2015, Plaintiff paid the initial partial filing fee (Doc. 12).

Before the Court are three (3) motions filed by Plaintiff: a “motion to transfer case to the District of Columbia” (Doc. 7), a “motion for certain relief” (Doc. 9), and a “motion for extension of time” (Doc. 10). For the reasons discussed below, the Court shall deny the motion to transfer case, grant the motion for certain relief, declare as moot the motion for extension of time, and direct service of process by the U.S. Marshal.

A. Motion to transfer case

After choosing to file this case in the United States District Court for the Western District of Texas, Plaintiff now wishes to transfer the case to the United States District Court for the District of Columbia. *See* Doc. 7. Plaintiff is correct that the District of Columbia has jurisdiction to hear this matter. 5 U.S.C. § 552(a)(4)(B) (2012). However, the Hon. Frank Montalvo, United States District Judge for the Western District of Texas, has already weighed the applicable factors and determined that venue lies in this district and that the “convenience of parties and witnesses” and “the interest of justice” makes this Court the appropriate forum for this action. *See* Doc. 2. Therefore, Plaintiff’s motion to transfer case to the District of Columbia shall be denied.

B. Motion for certain relief

In his motion for certain relief (Doc. 9), Plaintiff complains that the list of defendants in the caption of this Court’s Orders, entered March 30, 2015, does not match the list of defendants in his complaint. He requests that the Clerk of Court be directed to correct the list of defendants. *Id.* Plaintiff is advised that the Clerk of Court entered the defendants as they were listed by the Clerk of the Western District of Texas. *See* Doc. 3. However, upon review of the complaint (Doc. 1-1), the Court finds that the caption should match the list of defendants, as identified by Plaintiff.

Therefore, Plaintiff's motion for certain relief shall be granted and the Clerk of Court shall modify the list of defendants to match the list provided by Plaintiff in his complaint.

C. Motion for extension of time

In his motion for extension of time, Plaintiff requests that he be allowed an extension of time to provide additional USM-285 Marshal service forms. Plaintiff also provides three (3) additional completed forms, attached to the motion as Exhibits 1, 2, and 3. The Court finds that the three (3) completed forms provided by Plaintiff are sufficient. As a result, the motion for extension of time is unnecessary and shall be declared moot.

D. Service

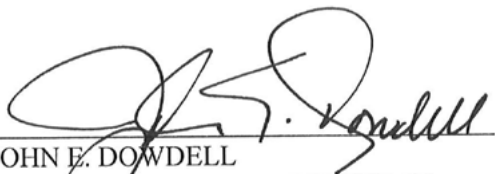
The Clerk shall issue the seven (7) summonses provided by Plaintiff and forward them, along with the seven (7) USM-285 forms, seven (7) copies of the complaint (Doc. 1-1), and seven (7) copies of this Order, to the United States Marshal for service of the complaint. Defendants shall answer or otherwise plead to the allegations in the complaint within sixty (60) days of service. Should Defendants file a dispositive motion, Plaintiff shall file a response within twenty-one (21) days after the filing of Defendants' motion. Failure to file a response could result in the entry of relief requested in the motion. *See* LCvR7.2(f).

ACCORDINGLY, IT IS HEREBY ORDERED that:

1. Plaintiff's "motion to transfer case to the District of Columbia" (Doc. 7) is **denied**.
2. Plaintiff's "motion for certain relief" (Doc. 9) is **granted**. The Clerk of Court shall modify the list of defendants to match the list provided in Plaintiff's complaint.
3. Plaintiff's motion for extension of time (Doc. 10) is **declared moot**.

4. The Clerk shall issue the seven (7) summonses provided by Plaintiff and forward them, along with the seven (7) USM-285 forms, seven (7) copies of the complaint (Doc. 1-1), and seven (7) copies of this Order, to the United States Marshal for service of the complaint.
5. Defendants shall answer or otherwise plead to the allegations in the complaint within sixty (60) days of service.
6. Should Defendants file a dispositive motion, Plaintiff shall file a response within twenty-one (21) days after the filing of Defendants' motion. Failure to file a response could result in the entry of relief requested in the motion. *See* LCvR7.2(f).

ORDERED THIS 8th day of May, 2015.



JOHN E. DOWDELL
UNITED STATES DISTRICT JUDGE